THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 14379 of 2005

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Date: 01.08.2005

Between:

K. Mallaiah, S/o. Veeraiah, R.No.1292

R/o. Andhra Pradesh Rayons, Kamalapur,

Mangapet Mandal, Warangal District.

….. PETITIONER

AND

1. The Govt. of A.P. rep. By its

   Principal Secretary Industries Department,

   Secretariat, Hyderabad.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14379 of 2005

ORDER:

This writ petition is filed by the petitioner seeking Writ of *Mandamus* declaring the

action of the respondents in accepting his Voluntary Retirement Scheme (hereinafter referred to as 'VRS') application dated 30.09.2004, without considering the application dated 17.12.2004 filed by him withdrawing the said VRS application, as illegal, arbitrary and without jurisdiction, and for a consequential direction to the respondents to take him into service of the second respondent Company.

2. At the time of hearing, when this Court raised an issue as to the maintainability of the issue against the second respondent company, it was stated that the State Government is having a stake in the second respondent company. Therefore, the second respondent Company must be treated on par with the State of Andhra Pradesh. But, a counter-affidavit is filed on behalf of the second respondent bringing to the notice of this Court that the State Government has no stake in the second respondent company.

3. If the State Government does not have any stake in the second respondent company, the petitioner is not entitled to maintain the writ petition against the second respondent Company and he is obligated to approach the other appropriate authorities that are provided under law.

4. Under the above circumstances, the writ petition is dismissed as not maintainable without going into the merits of the contentions. However, it is open to the petitioner to approach the appropriate authority as are provided under any other law.

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S. Ananda Reddy, J

Date: 01.08.2005

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